

To: School Committee
From: John Cianciarulo
Date: April 1, 2022
Subj.: Policy Manual, Section A

The Policy Review Subcommittee held its first meeting last month, where they reviewed Section A (Foundations and Basic Commitments) of the policy manual. MA Association of School Committees' (MASC) Field Representative Jim Hardy facilitated. MASC reviewed the Committee's existing policies for what are considered to be required and best practices, and then identified any gaps.

Attached, for the full Committee's review, are the recommendations of the Policy Review Subcommittee from its March 23 meeting. As you review, please note the color coding system that is being used:

- Text in black reflects language that is contained within the existing, approved policy
- Text in blue reflects new language, as recommended by the Subcommittee
- Text in red (which mostly exists in the margins) is language that is recommended for deletion

The Subcommittee has recommended that the district's Wellness Committee review the existing Policy ADF - Wellness Policies on Physical Activity and Nutrition against MASC's model policy. Therefore, that policy is not yet included here for your review.

A vote to approve the policies may be taken at the School Committee's May meeting. Mr. Hardy has recommended that the Committee's adoption not take place until all policies are approved in the full manual.

File: AA

SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts, "... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Westwood structurally is a department of the town operated under laws pertaining to education and under regulations of the Massachusetts Board [Elementary and Secondary](#) of Education. The area served by the Westwood Public Schools is coterminous with the Town of Westwood.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II
M.G.L. [71:1](#)

CROSS REF.: [BB](#), School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

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Westwood Public Schools

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THE PEOPLE AND THEIR SCHOOL DISTRICT

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee has adopted goals and strategies as part of its strategic planning process in the area of community partnerships.

Goal A: Engage in meaningful outreach to students' families and the community.

<#>Communicate effectively with families and the community

<#>Produce community relations materials and events that showcase district and program initiatives.

<#>Demonstrate that the district is responsible and transparent in its use of municipal funds.

Goal B: Form relationships with universities, businesses, civic organizations, other school districts, and cultural resources.

<#>Identify mutual needs and opportunities for collaboration and partnerships.

<#>Develop a viable volunteer program which includes all school constituents: parents, elder citizens, businesses and cultural institutions.

CROSS REFS.: → Westwood Public Schools Strategic Plan

SOURCE: Westwood

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THE PEOPLE AND THEIR SCHOOL DISTRICT

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee therefore affirms and declares its intent to:

1. Promote two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school district, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority, as represented by their local School Committee, since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

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¶ NOTE: Since this is a reference manual, no adoption dates are given. The date of adoption, and revision dates, if any, should be noted on each policy in a local School Committee's policy manual. ¶

NONDISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Westwood School Committee and Westwood Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Westwood Public Schools.

Westwood Public Schools does not exclude from participation, deny the benefits of District from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations.
6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Westwood Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

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It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

LEGAL REFS: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

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CROSS REF: ACE, Nondiscrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

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NONDISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Westwood Public Schools will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative, and/or corrective action.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of the District; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

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- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Westwood Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Westwood Public Schools, and can be reached at:

Name/Position
Address
Phone

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Westwood Public Schools. In addition, the _____ is the District 504 Coordinator, and can be reached at:

Name/Position
Address
Phone

Inquiries concerning the Westwood Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
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Rehabilitation Act of 1973

2 of 3

Westwood Public Schools

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Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America
Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: ACE, Nondiscrimination on the Basis of Disability
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Title IX Sexual Harassment Grievance Procedure
Civil Rights Grievance Procedure

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3 of 3

Westwood Public Schools

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TITLE IX SEXUAL HARASSMENT POLICY

It is the policy of the Westwood Public School (the "District") to maintain an environment that is free from all forms of discrimination and harassment, including all forms of sex-based harassment. The District does not discriminate on the basis of sex in any of its educational programs or activities. Title IX of the Education Amendments of 1972 and its regulations requires The District to not discriminate in such a manner. This requirement not to discriminate extends to admission and employment. Inquiries regarding Title IX and its regulations should be addressed to the District's Title IX Coordinator.

Retaliation against individuals who file complaints of alleged sexual harassment or those who participate or assist in the investigation of complaints is expressly prohibited.

Application of Policy

While the District prohibits all forms of sex-based harassment, the purpose of this policy is solely to address sexual harassment as defined in Title IX and Section B, below, that occurs within the educational programs and activities of the District, against a person in the United States, and to outline a grievance process for the investigation and determination of responsibility when a formal complaint of sexual harassment has been made. While the District must respond to all reports of sexual harassment, the Title IX Grievance Process is only initiated when a formal written complaint requesting an investigation is filed.

The District will address other harassing conduct that does not meet the Title IX definition of sexual harassment in an appropriate manner in accordance with other District policies and procedures including: [Non-Discrimination Policy Including Harassment and Retaliation](#) (File: [ACAB](#)), [Protocol for Reporting and Investigating Discrimination, Harassment & Retaliation](#), and [Bullying Prevention Policy](#) (File: JICB), as well as those policies and procedures outlined in the Student Handbooks.

This Policy shall apply to all students, employees, and any third party who contract with the District to provide services to District students or employees, on District property, or during any school program or activity. The alleged perpetrator must be a member of the District's community for its policies to apply. Title IX protections extend to all school programs and/or activities whether on or off-campus.

A third party under the control or supervision of the District will be subject to termination of contracts/agreements, restricted access to school property, or other consequences, as appropriate. Volunteers and visitors who engage in sexual harassment will be instructed to leave school property and may be reported to law enforcement.

This policy does not apply to conduct occurring outside of the United States. Conduct occurring outside of the United States during a school-sponsored activity is addressed by Westwood Public School [Non-Discrimination Policy Including Harassment and Retaliation](#) (File: [ACAB](#))

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NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school district's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

LEGAL REFS.: Title IX of the Education Amendments of 1972
45 CFR, Part 86, (Federal Register, 6/4/75)
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

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UPDATED:→ June 2012

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GRIEVANCE PROCEDURE FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

The following Grievance Procedure applies to all complaints made by students or staff of sexual harassment, sexual assault or sexual violence under Title IX of the Education Amendment Act of 1972 and its regulations, collectively "Title IX" in accordance with corresponding School Committee Policy ACA.

Reporting of Sexual Harassment Complaints

Sexual Harassment under Title IX

Sexual harassment is defined under Title IX as conduct on the basis of sex that satisfies one or more of the following criteria:

A District employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);

Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

Any instance of sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v) (the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

How to Report a Complaint of Sexual Harassment

Students and employees who believe they have experienced or witnessed sexual harassment should notify Westwood Public School District ("District") designated Title IX Coordinator. If the complaint concerns allegations against the Title IX Coordinator, then the complaint should be filed with the Superintendent or designee.

Employees who witness sexual harassment or have a reasonable belief that it is occurring, are required to report it immediately to the Title IX Coordinator.

Reports of sexual harassment may also be made by employees to their direct supervisor and by students to a teacher, counselor, school nurse or building administrator, who shall immediately bring such report to the attention of the Title IX Coordinator.

The complaint may be filed by the alleged victim or any other party. Any person filing a complaint is encouraged to do so within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

1 of 7

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NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Westwood School Committee and Westwood Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Westwood Public Schools, subject to school authority.

This policy does not limit any other policies or authority of the Westwood School Committee or the Westwood Public Schools. This includes not limiting the authority of Westwood Public Schools under its Student Handbook or any other authority to discipline or take corrective action for educational and workplace conduct which the Westwood Public Schools deems unacceptable. This policy also does not limit the authority of the Westwood Public Schools to take immediate interim disciplinary action as set forth in any applicable guidance, practice or policy.

Westwood Public Schools does not exclude from participation, deny the benefits of, or otherwise discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, pregnancy or pregnancy-related conditions, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities, and provides equal access to the Boy Scouts and other designated youth groups. Westwood Public Schools requires all members of the school community to conduct themselves in an appropriate and respectful manner, consistent with this policy, with respect to all other members of the school community.

As Westwood Public Schools is committed to providing an environment that is free from all forms of discrimination, including harassment and retaliation, it shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil rights of any member of the school community. Discrimination, including harassment and retaliation, in any form will not be tolerated.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, that relates to an individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, pregnancy or pregnancy-related conditions, or any other category protected by state or federal law, and that has the purpose or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the c...

SEXUAL HARASSMENT

The Westwood School Committee and Westwood Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Westwood Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

File: ACAB

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

2 of 4

Westwood Public Schools

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;
- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

3 of 4

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the (Name of District) School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District's Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

NONDISCRIMINATION ON THE BASIS OF DISABILITY

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition: A "qualified individual with a disability" is an individual with a disability who, with or without reasonable accommodation to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Reasonable Accommodation: The District shall make reasonable accommodation in policies, practices, or procedures when the accommodations are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity.

Communications: The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Accommodation: The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

1 of 2

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Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school district receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school district will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended
Education for All Disabled Children Act of 1975
M.G.L. 71B:1, et seq. (Chapter 766 of the Acts of 1972)
Title II, Americans with Disabilities Act of 1992, as amended
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: IGB, Support Services Programs

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Deleted: NOTE: Due to federal and state laws, many school committees are adopting policies and extensive regulations pertaining to Nondiscrimination on the Basis of Disability. At times, policy, regulations, and specific plans for action are combined in one long statement presented as policy. Other school districts present policy and regulatory statements separately.¶

2 of 2

File: AD

VISION/MISSION/CORE VALUES

Vision

Graduates of the Westwood Public Schools are skilled, confident, curious and kind: excited for their futures and ready to contribute to their communities.

Mission Statement

The Westwood Public Schools will prepare students for college, career, and civic life by providing rich and challenging curriculum, high-quality instruction, and authentic educational experiences

Core Values

Academic excellence and a commitment to improvement

Curiosity and tenacity

Respectful relationships in a caring, collaborative community

(From District Website)

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Deleted: The Westwood Public Schools are actively shaping the future while honoring a strong tradition of excellence. Our students are well-prepared to meet the challenges of our global society. They develop into self-motivated learners and achieve their potential in supportive and creative environments. The staff, faculty, and administrators form a strong, high performing team. Through innovative collaboration and partnerships, the Westwood Public Schools expand opportunities and resources that benefit the schools and the community. Graduates of the Westwood Public

Deleted: Members of the Westwood Public School community will strive to prepare students for college, career, and civic life by providing rich and challenging curriculum, high-quality instruction, and authentic educational experiences. The Westwood Public Schools will prepare

Deleted: Honoring Tradition¶
The Westwood Public Schools are actively shaping the future while honoring a strong tradition of excellence.¶
¶
Inspiring Excellence¶
Members of the Westwood Public Schools community strive for excellence in academic, co-curricular, and professional endeavors.¶
¶
Shaping the Future¶
Our students develop into self-motivated learners and achieve their potential in supportive and creative environments.¶
¶
Creating Opportunity¶
Through innovative collaboration and partnerships, the Westwood Public Schools expand opportunities and resources the benefit the schools and the community. Academ

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Westwood Public Schools

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MISSION STATEMENT

In today's society our children are continuously excited by new and challenging stimuli; adaptability to change therefore becomes a paramount objective of learning.

The mastery of basic skills is essential to our children as they prepare to function as responsible individuals. Children must also know how to direct their own learning by mastering the skills of independent inquiry, because circumstances do not enable us to predict with certainty just what today's children will need to know when they become tomorrow's adults. The optimum environment should be sought so that all children can develop physically and emotionally and acquire the information, academic skills, critical judgment, and creativity needed to lead to a better understanding of themselves, each other, and the world around them.

The school district must continually strive to create, implement, and improve programs that are compatible with appropriate curricula and provide opportunities for innovation in teaching and learning. If this is accomplished, children will then come to realize more fully their own potential as individuals and be better prepared to appreciate and act responsibly in the society in which they live.

SOURCE: → MASC

CROSS REFS.: → IA, Instructional Goals

NOTE: The cross references are to related sample policies in this manual. They are also examples of cross-references that may be useful in an individual School Committee's policy manual.

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MISSION STATEMENT

Members of the Westwood Public School community will strive to prepare students for college, career, and civic life by providing rich and challenging curriculum, high-quality instruction, and authentic educational experiences.

First Reading: September 12, 2019

Second Reading: October 10, 2019

Approved: November 7, 2019

SOURCE: Westwood

Page Break

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GOALS

The Westwood Public Schools' Strategy for District Improvement has identified four overall objectives:

<#>Meaningful learning experiences

<#>Coherent, connected curriculum

<#>Healthy and supported school community

<#>Facilities for the future

Priorities for each of these objectives are reviewed and approved annually by the School Committee.

First Reading: September 12, 2019

Second Reading: October 10, 2019

Approved: November 7, 2019

SOURCE: Westwood

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CORE VALUES

The Westwood Public Schools will create an environment for learning by demonstrating:

- <#>Academic excellence and a commitment to improvement
- <#>Curiosity and tenacity
- <#>Respectful relationships in a caring, collaborative community

First Reading: September 12, 2019

Second Reading: October 10, 2019

Approved: November 7, 2019

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SOURCE: Westwood

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**SMOKING/VAPING ON SCHOOL
PREMISES PROHIBITED**

Use of any tobacco products or vapor/e-cigarettes within the school buildings, school facilities, on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

Possession by students of Electronic Nicotine Delivery Systems (ENDS) and similar devices which may take the form of e-cigarettes or vaporizing products, regardless of whether they contain nicotine, is prohibited at all times.

LEGAL REFS.:→ M.G.L. [71:37H](#)

First reading: February 7, 2019

Second reading: March 26, 2019

Third reading waived

Approved: March 26, 2019

SOURCE: Westwood

File: ADC

TOBACCO PRODUCTS/VAPING ON SCHOOL PREMISES PROHIBITED

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

Possession by students of Electronic Nicotine Delivery Systems (ENDS) and similar devices which may take the form of e-cigarettes or vaporizing products, regardless of whether they contain nicotine, is prohibited at all times.

LEGAL REF: M.G.L. [71:37H](#); [270:6](#)

CROSS REFS.: GBED, Tobacco use on School Property by Staff Members Prohibited
JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

SAFE SCHOOLS POLICY

I. STATEMENT OF PURPOSE AND COMPLIANCE

This policy is adopted by the Westwood School Committee as required by M.G.L. 71,37H, for purposes of notifying members of the public, students, teachers and other staff of the District's Standards and Procedures to assure school building security and safety of students and school personnel. This policy is intended to be in accordance with standards for classroom safety adopted by the Board of Education pursuant to M.G.L. c.69, 1B which standards are incorporated by reference herein.

II. STANDARDS OF SAFETY AND SECURITY

- A. The community shall encourage the creation and maintenance of a safe and secure learning environment in every school building. The creation of a safe learning environment will be enhanced by the provision of sufficient resources for procurement and maintenance of appropriate safety personnel and devices.
- B. Administration, staff and students in each school building shall strive to create an educational environment, which is reasonably safe and secure in order to:
 - 1. Facilitate learning and teaching
 - 2. Preserve the physical and mental well being of all lawful occupants of the building

III. PROCEDURES TO MEET STANDARDS

A. ADMINISTRATIVE ACTION

- 1. The Superintendent shall cause to be undertaken an assessment of current safety standards and procedures.
- 2. The assessment of current standards and procedures will be accomplished by the Superintendent, building principals and other district personnel who shall review current practices with appropriate police contacts, the town's insurer and Town Counsel in addition to other parties whom the Superintendent and building principals determine to have relevant information.
- 3. On an ongoing basis, as accidents occur, administrative staff will report the accident immediately to the appropriate Town departments, using required forms, and will review the circumstances of the accident. The administration will immediately implement corrective measures that will reduce the risk of a similar occurrence.

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B. COMMITTEE ACTION

1. Prior to adopting recommendations or changes to existing policy the Committee shall receive from the Superintendent or designee an estimate of the costs, if any, associated with the implementation of the policy change or recommendations.
2. The Committee shall annually, as part of its budget process, identify safety and security needs and request appropriations for maintenance of safety or security personnel, devices or equipment for all school buildings.

Factors to be considered in making requests for appropriations for safety and security devices, equipment and personnel include but are expressly not limited to the present system of advising students and staff of safety concerns, placement in school buildings of security devices such as, for example, locking doors, cameras, metal or motion detectors and other devices to monitor or restrict access to school buildings; increased use of personnel such as attendance or security officers, lighting, escort services for evening activities, placement of emergency telephones in designated locations, practices related to the regular inspection of and reporting on the condition of the premises, design or architectural features which advance or inhibit safety, procedures for maintaining an ongoing process for reporting complaints to local law enforcement officials and procedure for reference and criminal records checks of employees.

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2 of 2

BACKGROUND CHECKS

It shall be the policy of the Westwood Public Schools that, as required by law, a state and national fingerprint criminal background check be completed to determine the suitability of full or part-time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The school committee shall only obtain a fingerprint background check for current and prospective employees for whom the school committee has direct hiring authority or those employed by the city or town to perform work on school grounds. In the case of an individual directly hired by a school committee, the chair of the school committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual, who provides school related transportation to children. The Superintendent may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the school committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may direct and unmonitored contact with children must continue to submit state CORI checks.

There will be a fee charged by the provider to the employee and educator for national fingerprint background checks. The fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the Department of Criminal Justice Information Services (DCJIS) all available criminal offender record information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI checks

Fingerprinting-based Criminal History Record Investigation (CHRI) checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations and conducted by the Office of Human Resources. If an applicant or employee is required to submit to a fingerprint- based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to CHRI

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

Storage of CHRI

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. The Superintendent and ~~the~~ staff involved in the handling of CHRI is to familiarize ~~themselves~~ with these safeguards. In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

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Retention and Destruction of CHRI

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes only:

- Historical reference and/or comparison with future CHRI requests;
- Dispute of the accuracy of the record;
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the Superintendent. When no longer needed, CHRI and any summary of the CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

CHRI Training

An informed review of a criminal record requires training. Accordingly, the Superintendent will review and become familiar with the educational and relevant training materials regarding Statewide Applicant Fingerprint Information Services (SAFIS) and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

Determining Suitability

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

Relying on Previous Suitability Determination.

The Westwood Public Schools will not rely on the past suitability determination conducted by a previous entity and will require all CHRI reports for prospective employees to be submitted directly to the Westwood Public Schools from DCJIS. In cases where a prospective employee has been fingerprinted in Massachusetts in the past, the Westwood Public Schools will reimburse the prospective employee the cost of the subsequent fingerprint unless:

- The suitability determination was made longer than seven years; or
- The individual has resided outside of Massachusetts for any period longer than three years since the suitability determination was made; or
- The individual has not been employed continuously for one or more school employers or has gaps totaling no more than two years in his/her employment for school employers.

This aspect of the policy shall remain in effect until such time as the DCJIS has developed a "wrap-back" provision allowing for prior reports to be sent to the Westwood Public Schools without a fingerprint.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of his/her CHRI used in making the adverse decision;
- Provide the individual with a copy of this CHRI Policy;

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Provide the individual the opportunity to complete or challenge the accuracy of ~~their~~ CHRI; and
Provide the individual with information on the process for updating, changing, or correcting
CHRI.

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A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

Secondary Dissemination of CHRI

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI. The following information will be recorded in the log:

- Subject name;
- Subject date of birth;
- Date and time of the dissemination;
- Name of the individual to whom the information was provided;
- Name of the agency for which the requestor works;
- Contact information for the requestor; and
- The specific reason for the request.

Reporting to the Commissioner of Elementary and Secondary Education

Pursuant to state law and regulations, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The Superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

C.O.R.I. Requirements

It shall be the policy of the Westwood Public Schools to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

4 of 6

Westwood Public Schools

File: ADDA

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the department of criminal justice informational services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal, or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education regulation: "Direct and unmonitored contact with children means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. "Contact" refers to any contact with a student that

provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he/she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds."

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice informational services. In the event that a current employee has a question concerning the signing of the acknowledgement form, they may meet with the Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgment forms must be kept in secure files. The Human Resources office, certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

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CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

Access to CORI materials must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

5 of 6

Westwood Public Schools

File: ADDA

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, an individual who regularly provides transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior

arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commission of probation may answer "no record" with respect to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer "no record" with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

Records sealed pursuant to law shall not operate to disqualify a person in any examinations, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

LEGAL REFS: 42 U.S.C. ? 16962
M.G.L. 6:167-178; 15D: 7-8; 71:38R, 151B, 276:100A P.L. 92-544; Title 28
U.S.C. ? 534; Title 28 C.F.R 20.33 (b)
603 CMR 51.00 803 CMR 2.00 803 CMR 3.05 (Chapter 149 of the Acts of 2004)
FBI Criminal Justice Information Services Security Policy Procedure for
correcting a criminal record
FAQ - Background Checks

6 of 6

Deleted: First Reading: September 11, 2014
Second Reading and Adoption: October 14, 2014
SOURCE: Westwood

Westwood Public Schools

DCJIS MODEL CORI POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all district personnel authorized to review or access CORI will review, and will be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and applicable law or regulations.

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BACKGROUND CHECKS

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall only obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The School Committee, Superintendent or Principal, as appropriate, may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the School Committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI (Criminal History Record Information) checks

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint ... [4]

VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his/her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

DETERMINING SUITABILITY

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- a) Relevance of the record to the position sought;
- b) The nature of the work to be performed;
- c) Time since the conviction;
- d) Age of the candidate at the time of the offense;
- e) Seriousness and specific circumstances of the offense;
- f) The number of offenses;
- g) Whether the applicant has pending charges;
- h) Any relevant evidence of rehabilitation or lack thereof; and
- i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

ADVERSE DECISION BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

File: ADDA-R

SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

Deleted: First Reading: September 11, 2014
Second Reading and Adoption: October 14, 2014

SOURCE: MASC/Westwood

3 of 3

Westwood Public Schools

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INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to <https://www.mass.gov/massachusetts-criminal-offender-record-information-cori> (website updated)

The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the CHSB waive the fee.

Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at (617) 660-4760 for assistance or the CORI Unit of the Office of the Commissioner of Probation at (617) 727-5300.

If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CORI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.

In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.

CROSS REFS.: → [ADDA](#), C.O.R.I. Requirements ... [5]

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C.O.R.I. REQUIREMENTS

Employers may ask the following series of questions:

<#>Have you been convicted of a felony? Yes or no?

<#>Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

<#>Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

<#>If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

<#>An arrest, detention or disposition regarding any violation of law in which no conviction resulted.

<#>First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.

<#>Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting there from, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

SOURCE: Westwood

File: AE

COMMITMENT TO ACCOMPLISHMENT

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the District, the School Committee will maintain a program of accountability consisting of the following elements:

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

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